



Patent
Attorney's Docket No. 037116.49753US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Denis Gravel et al.

GROUP ART UNIT: 1654

Application No.: 09/786,639

EXAMINER: Michael V. MELLER

FILED: June 27, 2001

FOR: GRF ANALOGS WITH INCREASED BIOLOGICAL POTENCY

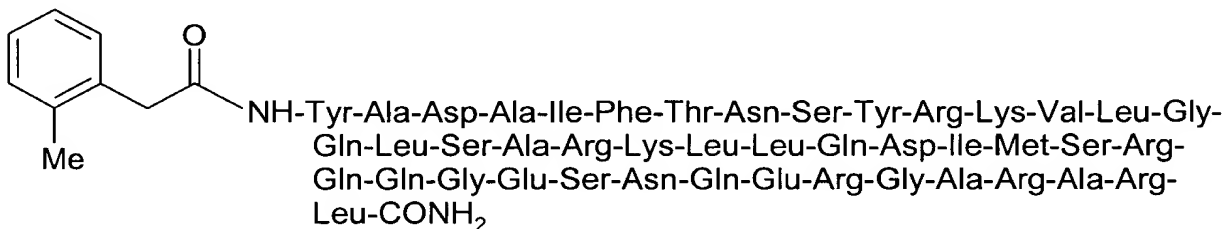
RESPONSE TO ELECTION REQUIREMENT

COMMISSIONER FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

Sir:

This is a complete response to the Office Action mailed October 29 2003.

Responsive to the election requirement, Applicants provisionally elect the following species compound for initial examination:



Claims 1 and 2 read on the elected compound; claim 11 reads on a method of using the elected compound, and claim 12 reads on pharmaceutical compositions comprising the claimed compound. Claims 1, 2, 11 and 12 are all linking claims (MPEP §809).

Reconsideration of the withdrawal of claims 11 and 12 from consideration is again respectfully requested. The instant application is the U.S. national stage of a PCT

Serial No. 09/786,639


application, and the propriety of any restriction must be judged under the PCT unity of invention standard. Under this standard withdrawal of claims is improper if the claims share a special technical feature. Among other special technical features, claim 1 recites that the hydrophobic tail comprises at least one rigidifying moiety selected from the group consisting of triple bond, saturated or unsaturated C₃₋₉ cycloalkyl and C₆₋₁₂ aryl. Claims 11 and 12 share this special technical feature by virtue of their dependency from claim 1. Contrary to the assertion in the office action, WO 96/37514 does not disclose or suggest at least this special technical feature. Therefore, claims 11 and 12 are entitled to examination along with claims 1 and 2.

The application is respectfully submitted to be in condition for allowance, and prompt, favorable action thereon is earnestly solicited.

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully requested telephone the undersigned at (703) 624-2845 so that prosecution of the application may be expedited.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to make this response timely, and the Commissioner is hereby authorized to charge any deficiency in fees, or credit any overpayment, to deposit account no. 05-1323 (Ref. Docket No. 037116.49753US).

Respectfully submitted,



J.D. Evans
Registration No. 26,269

November 26, 2003
CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844